FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.8l70 of 2005

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order	Court or Judge's Order

Mr Mihir Desai for petitioner
Mr A.V.Anturkar with S.B Deshmukh for respondent no.l
Mr P I Khemani AGP for R Nos. 2 and 4
Mr.Warunjikar with B Deshmukh for respondent no.5
None for respondent no. 3

CORAM:V.G.PALSHIKAR AND

V.R.KINGAONKAR JJ.

DATED 4.4.2006

P.C.

. By this petition the petitioners seeks direction regarding payment of their salary, which has not been paid since l999. Writ Petition no.l55l of 200l was filed in this court for the same relief and an order dated 7.8.200l was passed thereon directing the petitioners to approach the Joint Director, Higher Education, Kolhapur,

who after hearing the parties should pass appropriate orders. However, though such orders were passed factually payment is not made. The matter was taken back to the Court with no result. Hence the petitioners are in this court again. It is submitted on behalf of the petitioners that the matter should be referred to the University- respondent no. 3 for decision in accordance with law, as the Grievance Committee postulated under section 57 of the Act is not yet come into existence. If the dispute is considered by the University or its Committee final adjudication is possible.

2. This request is opposed on behalf of the respondent institution on the ground that proper remedy will be to approach the Civil Court. The choice of remedy lies with the person seeking thee remedy and petitioners will hope that their grievance would be met by approaching the University. Hence we disposed of this petition by directing

the petiti oners to make fresh representation to the University making out their claim for salary since l999. If such representation is made within 4 weeks from today, the University should as far as possible decide the same in l0 weeks thereafter. Petition is accordingly disposed of. All contentions naturally will remain open to all the litigating parties.

(V.G.Palshikar J)

(V.R.Kingaonkar J)